

MEMORANDUM OF UNDERSTANDING

THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION

And

THE CITY OF LEESBURG, A FLORIDA MUNICIPAL CORPORATION

WHEREAS, it is the policy of the State of Florida, Department of Transportation and of the City of Leesburg, a Florida Municipal Corporation (hereinafter referred to as the City) to cooperate with each other in order to maximize the use and allocation of the monetary resources each are entrusted with, and

WHEREAS, the Department of Transportation currently has an ongoing project for reconstruction and additional lanes for SR 500 (US 441) from Martin Luther King to Lake Ella Road, FM #238395-4-52-01, and

WHEREAS, the Department of Transportation is completing the Design phase for SR 500 that includes the intersection of Martin Luther King at SR 500 that run within the boundaries of the City, and

WHEREAS, the City desires to have the referenced intersection upgraded from standard FDOT Concrete/Steel Strain Pole Signalization to Mast Arm Signalization.

NOW THEREFORE, in consideration of the foregoing and on the basis of establishing the expectations of and the obligations of each party hereto, the parties agree as follows:

1. The Memorandum of Understanding establishes the expectations and general obligations of each party and it further anticipates that separate agreements may need to be entered into to put into effect the desires of the parties.

2. The parties understand and agree that prior to any funds being expended or encumbered that would allow the Department of Transportation (hereinafter "Department") to undertake the project with contribution by the City that a Locally Funded Agreement will need to be entered into by and between the parties hereto so as to allow and provide the terms and conditions of the City contributing to the Department and to establish the obligation of the City to pay the costs incurred by the Department for the Mast Arm Upgrades for the referenced intersection should the City fail to perform or to undertake their obligations.

3. In regard to the Design phase of this segment of SR 500 from Martin Luther King to Lake Ella Road, FM #238395-4-52-01, pending approval of Traffic Operations of the referenced intersection, it is the intent of the Department to undertake and to complete the project that will include the Mast Arm Signalization upgrade. Notwithstanding this stated intent, the parties recognize and agree that the Department has limited funding in its work program (design and right-of-way funds only) to undertake any of the work identified herein. Unless and until said project is fully funded, the Department does not have any ability to undertake any of the tasks outlined herein.

4. If and in the event the work program is funded to allow said work to be undertaken, it is the intent of the Department to approach the construction phase of the project so as to include the Mast

Arm Signalization upgrade that will ultimately benefit the City. The City agrees to be responsible for the difference in the cost to the Department for standard FDOT Concrete/Steel Strain Pole Signalization and Mast Arm Signalization. The City shall be responsible to pay to the Department, pursuant to the terms of a Locally Funded Agreement the difference in the costs of Mast Arm signalization. The Department shall be responsible for the costs of the design of the project.

5. In the event the City, after the Department has undertaken the design to reconstruct and add additional lanes with the Mast Arm Signalization upgrade included, backs out and decides not to fund the Mast Arm Signalization upgrade, the City will be responsible for the cost of the Department to redesign the project without the Mast Arm Signalization upgrade.

6. The Department's obligations hereunder are contingent on the appropriation of funds to accomplish the work described herein. In the event funds are not allocated to the Department to accomplish the tasks set forth herein, the Department shall be deemed to have no legal responsibility to perform under the terms of this agreement.

7. Construction funding from the City shall be due at least 90 days prior to the advertisement of the Department's bid request, pursuant to the terms of a Locally Funded Agreement.

STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION

By: George S. Lovett

Title: Director of Transportation Development

Date: _____

Attest: _____

Executive Secretary

(Seal)

CITY OF LEESBURG, A FLORIDA MUNICIPAL CORPORATION

By: _____

Title: _____

Date: _____

Attest: _____

(Seal)